

Before the
Federal Communications Commission
Washington, D.C. 20554

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|------------------------|---|-----------------------|
| TOUCH AMERICA, INC., |) | |
| |) | |
| Complainant, |) | |
| |) | |
| |) | |
| v. |) | File No. EB-02-MD-003 |
| |) | |
| QWEST COMMUNICATIONS |) | |
| INTERNATIONAL INC., |) | |
| QWEST CORPORATION, and |) | |
| QWEST COMMUNICATIONS |) | |
| CORPORATION, |) | |
| |) | |
| Defendants. |) | |

ORDER

Adopted: December 11, 2003

Released: December 11, 2003

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On July 17, 2003, the Division issued an order staying this proceeding pending review of a settlement agreement between complainant Touch America, Inc. ("Touch America") and defendants Qwest Communications International Inc., *et al.* (collectively, "the Parties") by the United States Bankruptcy Court for the District of Delaware ("Bankruptcy Court"). The order provided that, upon issuance of a final order by the Bankruptcy Court approving the settlement between the Parties, Touch America would file in this proceeding, within five business days, a motion to dismiss with prejudice.

2. On December 9, 2003, Touch America filed a Motion to Dismiss with Prejudice the above-captioned proceeding ("Motion to Dismiss"). The Motion to Dismiss stated that: (a) the parties had entered into a global settlement agreement on November 10, 2003 which, among other terms, provided for dismissal of this matter with prejudice upon a final order of the Bankruptcy Court approving the settlement agreement; (b) the Bankruptcy Court had approved that settlement agreement on November 17, 2003; and (c) the order of the Bankruptcy Court became final on December 2, 2003.

3. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R.

§§ 0.111, 0.311, that the Motion to Dismiss IS GRANTED, AND that the above-captioned Complaint that Touch America, Inc. filed against Qwest Communications International Inc., Qwest Corporation, And Qwest Communications Corporation IS DISMISSED WITH PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief, Market Disputes Resolution Division
Enforcement Bureau